

**REAL ESTATE BOARD
MINUTES
JANUARY 22, 2004**

PRESENT: Richard Hinsman, Richard A. Kollmansberger, Peter Sveum, Lloyd Levin, and Rebecca J. Dysland (via telephone)

EXCUSED: Maria E. Watts

STAFF PRESENT: Patricia Hoeft, Division Administrator of Board Services, Steven Gloe, Legal Counsel, Pat Schenck, Program Assistant, and Division of Enforcement Staff

GUESTS: Debbie Conrad, Wisconsin Realtors Association (WRA)

CALL TO ORDER

Richard Kollmansberger, Chairman, called the meeting to order at 10:05 a.m. A quorum of 5 members was present.

ELECTION OF OFFICERS

The Real Estate Board held open elections for Board Officers for 2004.

MOTION: Peter Sveum moved, seconded by Rebecca Dysland, to appoint Richard Kollmansberger as Chair, Richard Hinsman as Vice Chairman, and Maria Watts as Secretary. Motion carried unanimously.

**APPOINT BOARD REPRESENTATIVES FOR SCREENING PANEL
2004 SCREENING PANEL APPOINTMENTS
March, May, July, September, December**

Chairman Richard Kollmansberger called for board members to schedule dates when they could serve as screening panel members.

Richard Hinsman and Peter Sveum agreed to screen cases in March, and Lloyd Levin and Richard Hinsman agreed to screen cases in May, 2004.

July, September, and December screening panel members will be called for at a later date.

ADOPTION OF AGENDA

MOTION: Lloyd Levin, moved, seconded by Richard Hinsman, to adopt the agenda as written. Motion carried unanimously.

APPROVAL OF MINUTES OCTOBER 23, 2003

MOTION: Lloyd Levin moved, seconded by Richard Hinsman, to approve the minutes of October 23, 2003 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT - PATRICIA HOEFT, DIVISION ADMINISTRATOR

Patricia Hoeft discussed items in the Board members red folders and reported on future improvements in the Division of Board Services.

BOARD ROSTER

Noted.

2004 BOARD MEETING DATES

Noted.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,
ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

**EDUCATION AND EXAMINATIONS
STATUS OF RECOMMENDATION REQUIRING CE FOR LICENSEES PRIOR TO
RENEWAL**

Patricia Hoeft requested that the recommendation requiring CE for licensees prior to renewal be deferred to the Boards regularly scheduled meeting on March 25th, 2004.

**LEGISLATION
PROPERTY FLIPPING**

The Board reviewed and discussed efforts to draft a bill aimed at preventing property flipping by Rep. Lena Taylor, Sen. Tom Reynolds, the City of Milwaukee, and Wisconsin Alliance of Cities. The Property flipping issue is also being discussed by the Real Estate Appraisers Board.

Issues reviewed and discussed included a memo and draft bill from Rep. Taylor, December 12, 2001 letter to Sen. Gwendolynne Moore from the Real Estate Appraisers Board, September/October 2000 articles about mortgage fraud and property flipping and a copy of HUD rule 234 CFR Part 203 on prohibition of property flipping.

Peter Sveum will represent the Board at the next meeting regarding property flipping.

STATUS OF REAL ESTATE RECIPROCITY LICENSURE BILL LRB-3952

The Real Estate Reciprocity Licensure Bill (LRB-3952) went to the Assembly floor on January 20, 2004 and has been referred to select committee on Job Creation in the Senate on January 21, 2004.

LICENSURE AND CERTIFICATION OF REAL ESTATE APPRAISERS AND THE REQUIREMENTS FOR APPRAISAL REPORTS LRB-3347/2

The Board reviewed and discussed the changes to the language suggested for the definitions of “broker market analysis”, “appraisal report” and the proposed amendment of s. 458.21 stats. by Mark Kunkel, Senior Legislative Attorney.

ADMINISTRATIVE RULES

RL 4.07 CHEATING ON EXAMINATIONS – REEXAMINATIONS – PATTY HOEFT

Patty Hoeft reported on the Department’s draft rule RL 4.07 Cheating on Examinations - Reexaminations.

NEW BUSINESS

None.

UNAUTHORIZED PRACTICE OF LAW – WILLIAM BLACK

Steven Gloe discussed the authorized and unauthorized practice of law with the Board and the impact the proposed change will have on the Real Estate profession.

The State Bar petitioned the Court to create a commission to make recommendations regarding the unauthorized practice of law. Before the Court will agree to appoint a commission in this matter, the Bar must agree to provide all of the funding and administrative staff necessary for this commission to operate and refine the mission statement of the commission in a manner acceptable to the Supreme Court. The State Bar was to respond to the Court by January 15 and include interested parties in its deliberation of a revised mission statement. This issue will impact technically related professions. Many professions read and interpret the law on a daily basis and have done so for years. Any change in the definition will clearly impact engineers, architects, planners, and other professionals; consequently, their input should be obtained. ACEC WI contacted the Bar and requested involvement in the refinement process.

MOTION: Richard Hinsman, moved, seconded by Lloyd Levin, that Richard Kollmansberger represent the Board if a commission is created to make recommendations regarding the unauthorized practice of law. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Patricia A. Lammers & Alternative Realty Inc. 03 REB 178
Eriberto Malacara and CPAD Group, LLC d/b/a More Homes Realty 00 REB 187, 00 REB 178, 00
REB 213

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning. Motion carried by roll call vote. Rebecca Dysland-yes, Richard Hinsman-yes, Richard A. Kollmansberger-yes, Peter Sveum-yes, - Lloyd Levin - yes.

Open session recessed at 10:41 a.m.

RECONVENE TO OPEN SESSION

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to reconvene into Open Session at 11:45 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS

MOTION: Peter Sveum moved, seconded by Richard Hinsman, to close the following complaints: Motion carried unanimously.

01 REB 081 for insufficient evidence.

01 REB 141 for no violation.

02 REB 236 for no violation.

01 REB 157 prosecutorial discretion (P1).

01 REB 350 prosecutorial discretion (P1).

01 REB 180 prosecutorial discretion (P5).
01 REB 293 prosecutorial discretion (P1).
01 REB 333 prosecutorial discretion (P5).
01 REB 198 for no violation.
01 REB 288 prosecutorial discretion (P1).

ADMINISTRATIVE WARNINGS

03 REB 053 STACY HOLT-OLSON

Stacy Holt-Olson appeared before the Board at 11:00 a.m. in regards to her request for a review of the Administrative Warning 03 REB 053 issued to her by the Board on September 29, 2003.

MOTION: Richard Hinsman moved, seconded by Lloyd Levin to affirm the administrative warning as written for case **03 REB 053 Stacy Holt-Olson**. Motion carried unanimously.

01 REB 106 SPARKS WHITE INVESTMENTS LLC D/B/A KELLER WILLIAMS REALTY & LAUREN S. STOCKDALE-SPARKS

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to accept the administrative warning as written for case **01 REB 106 Sparks White Investments LLC d/b/a Keller Williams Realty & Lauren S. Stockdale-Sparks**. Motion carried unanimously.

01 REB 106 MARY L. DIXON

MOTION: Richard Hinsman moved, seconded by Peter Sveum, to accept the administrative warning as written for case **01 REB 106 Mary L. Dixon**. Motion carried unanimously.

STIPULATIONS

PATRICIA A. LAMMERS & ALTERNATIVE REALTY INC.03 REB 178.

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning Patricia A. Lammers & Alternative Realty Inc.**03 REB 178**. Rebecca Dysland abstained. Motion carried.

ERIBERTO MALACARA AND CPAD GROUP, LLC D/B/A MORE HOMES REALTY 00 REB 187, 00 REB 178, 00 REB 213

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning Eriberto Malacara and CPAD Group, LLC d/b/a More Homes Realty **00**

REB 187, 00 REB 178, 00 REB 213 and requests that the supervising broker be changed to Felix Servantez. Motion carried unanimously.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

The Board briefly discussed property profiles, title checks, and writing an article for the Regulatory Digest Newsletter on well testing.

ADJOURNMENT

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adjourn the meeting at 11:55 p.m. Motion carried unanimously.

Next Meeting: March 25, 2004

Suggested Agenda Items for March 25, 2004:

- Recommendations Requiring CE for Licensees Prior to Renewal.
- Status of Real Estate Reciprocity Licensure Bill LRB-3952.